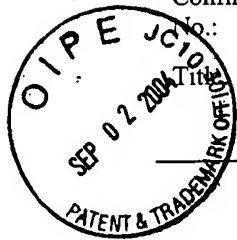


09-03-04  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: HAYASHI et al.  
Serial No.: 10/008,413  
Filed: November 13, 2001  
Confirmation 2962

Examiner: Mercado, Julian A.  
Group Art Unit: 1745  
Docket: 10873.836US01

COBALT COMPOUND FOR USE IN ALKALINE STORAGE BATTERY, METHOD FOR  
MANUFACTURING THE SAME, AND POSITIVE ELECTRODE PLATE OF ALKALINE  
STORAGE BATTERY EMPLOYING THE SAME



CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV 408492148 US  
Date of Deposit: September 2, 2004

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop Amendments, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By:   
Name: David Ortiz

Mail Stop Amendments  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**23552**

PATENT TRADEMARK OFFICE

Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Information Disclosure Statement, Form 1449, 10 References
- ☒ Check in the amount of \$180 for IDS Filing Fee
- ☒ Other: Copy of Co-pending application Serial No. 10/903,286, filed July 30, 2004
- ☒ Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

MERCHANT & GOULD P.C.  
P.O. Box 2903, Minneapolis, MN 55402-0903  
612.332.5300

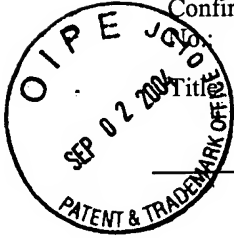
By:   
Name: Douglas P. Mueller  
Reg. No. 30,300  
DPM/jh

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: HAYASHI et al.  
Serial No.: 10/008,413  
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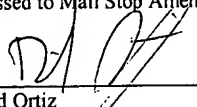
Title: COBALT COMPOUND FOR USE IN ALKALINE STORAGE BATTERY, METHOD FOR  
MANUFACTURING THE SAME, AND POSITIVE ELECTRODE PLATE OF ALKALINE  
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By:   
Name: David Ortiz

Mail Stop Amendments  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**23552**

PATENT TRADEMARK OFFICE

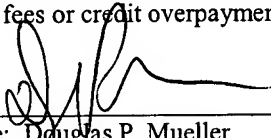
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MERCHANT & GOULD P.C.  
P.O. Box 2903, Minneapolis, MN 55402-0903  
612.332.5300

By:   
Name: Douglas P. Mueller  
Reg. No. 30,300  
DPM/jh



S/N 10/008,413

PATENT

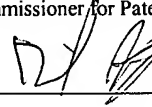
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: HAYASHI et al. Examiner: Mercado, Julian A.  
Serial No.: 10/008,413 Group Art Unit: 1745  
Filed: November 13, 2001 Docket No.: 10873.836US01  
Title: COBALT COMPOUND FOR USE IN ALKALINE STORAGE BATTERY,  
METHOD FOR MANUFACTURING THE SAME, AND POSITIVE  
ELECTRODE PLATE OF ALKALINE STORAGE BATTERY  
EMPLOYING THE SAME

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV 408492148 US  
Date of Deposit: September 2, 2004

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents, Mail-Stop Amendments, P.O. Box 1450, Alexandria, VA 22313-1450.

By:   
Name: David Ortiz

INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(d))

Mail Stop Amendments

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner.

Applicant hereby brings attention to the Examiner that they have a commonly assigned co-pending application, Serial No. 10/903,286, filed July 30, 2004 and the references listed were cited in the afore-mentioned case. Pursuant to 37 CFR 1.98 (2) (iii), Applicant encloses the specification, claims and drawings for this co-pending matter.

This statement should be considered because it is submitted after the mailing date of a final action under 37 C.F.R. § 1.113 or after the mailing date of the Notice of Allowance under 37 C.F.R. § 1.311 or after any other action that closes prosecution on the application, but before the payment of the issue fee. Enclosed is a check in the amount of \$180 for the fee set forth in 37 C.F.R. § 1.17(p). This statement is submitted as certified below under 37 C.F.R. §1.97(e)(1) or (2) by the undersigned.

**Certification Under 37 C.F.R. §1.97(e)(1)**

In accordance with 37 C.F.R. §1.97(c) or §1.97(d), the undersigned hereby certifies that each item of information listed on the enclosed Form 1449 was first cited in the aforementioned co-pending application within three months of filing this statement.

In accordance with 37 C.F.R. §1.98(a)(2), a copy of each document or other information listed on the enclosed Form 1449 is provided.

A concise explanation of the relevance of each non-English language document or other information is as follows (37 C.F.R. §1.98(a)(3)):

Japanese reference 10-324523 corresponds with U.S. 6,103,213 and EP 0 867 408.

Japanese reference 2002-216752 corresponds with U.S. 2002/0086208 and EP 1207576.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

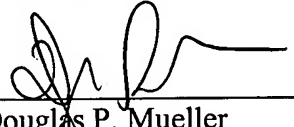
Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, MN 55402-0903  
(612) 332-5300

Dated: September 2, 2004

By: \_\_\_\_\_

  
Douglas P. Mueller  
Reg. No. 30,300

DPM/jh



<b>FORM 149*</b> <b>INFORMATION DISCLOSURE STATEMENT</b> <b>IN AN APPLICATION</b> (Use several sheets if necessary)	Docket Number: 10873.836US01	Application Number: 10/008,413
	Applicant: HAYASHI et al.	
	Filing Date: November 13, 2001	Group Art Unit: 1745

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
	6,103,213	08.2000	Nakamura et al.				
	2002/0086208	07.2002	Hayashi et al.				
FOREIGN PATENT DOCUMENTS							
	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	10-21902	01.1998	Japan			Abstract	
	10-324523	12.1998	Japan			See IDS	
	2002-216752	08.2002	Japan			See IDS	
	3-78965	04.1991	Japan			Abstract	
	50-36935	1975	Japan				
	61-49374	03.1986	Japan			Abstract	
	0 867 408	09.1998	EP			See IDS	
	1 207 576	05.2002	EP			See IDS	
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)							

**23552**

PATENT TRADEMARK OFFICE

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.	